

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: GARNER ET AL.

SERIAL No. 10/711,156

FILED: AUGUST 27, 2004

ATTORNEY DKT No: 5233.012.NPUS01

CONFIRMATION No.: 5155

GROUP ART UNIT: 1634

EXAMINER: SHAW, AMANDA MARIE

TITLE: METHODS FOR DETECTING AND QUANTIFYING SPECIFIC
PROBIOTIC MICROORGANISMS IN ANIMAL

INFORMATION DISCLOSURE STATEMENT

Dear Sir,

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, it is respectfully requested that the references listed on the accompanying enclosed Form PTO-1449 be made of record and considered with respect to the above-referenced U.S. patent application.

Applicants provide with this IDS copies of the two references, Cochran, W. G. 1950, "Estimation of Bacterial Densities by Means of the 'Most Probable Number'", Biometrics, Vol 6:105-116, and James T. Peeler and Foster D. McClure; Bacteriological Analytical Manual, USFDA, 7th edition, 1992. Both are cited in the specification on pages 12-13, paragraph 48.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the

subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed after a request for continued examination and before the mailing date of a first office action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,
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STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear

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Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- See attached certification statement.
- Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	
Name/Print		Registration Number	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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